



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/432,984 11/02/99 PARK

M 140-032

EXAMINER

MMC2/1001

WARD & OLIVO
708 THIRD AVENUE
NEW YORK NY 10017

BERMAN, J

ART UNIT

PAPER NUMBER

2881
DATE MAILED:

10/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE
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Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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DATE MAILED:

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Commissioner of Patents and Trademarks

Jack I. Berman
Primary Examiner
Art Unit: 2881

Art Unit: 2881

The reply filed on August 16, 2001 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): As was stated in the previous Office action, the reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414. While the declaration does state that there was additional subject matter which Applicant intended to claim, there is no defect in any of the claims pointed out which would render the patent either wholly or partly inoperative or invalid. The reply makes no response to this basis of rejection. See 37 CFR 1.111 which requires a response to every grounds of rejection in an Office action. In this case, the omission is especially troubling because the failure of a reissue oath to assert a difference in scope between original and reissue claims is a fatal defect because the patent statutes afford no authority for reissue merely to add other claims of same scope as those already granted. *In re Wittry*, 489 F.2d 1299, 180 USPQ 320, 323 (CCPA 1974). Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

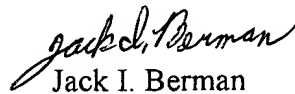
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack I. Berman whose telephone number is (703) 308-4849. The examiner can normally be reached on M-F (8:30-6:00) with every second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dzierzynski can be reached on (703) 308-4822. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Jack I. Berman
Primary Examiner
Art Unit 2881

jb
September 28, 2001